

***IN THE DISTRICT COURT OF THE UNITED STATES***

***For the Western District of New York***

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MARCH 2006 GRAND JURY  
(Empaneled March 16, 2006)

**THE UNITED STATES OF AMERICA**

**-vs-**

**INDICTMENT**

**JOSEPH M. TYSON**

**Violations:**

18 U.S.C. §2251(a)  
18 U.S.C. §2252A(a)(5)(B)  
18 U.S.C. §2422(b)  
18 U.S.C. §2423(b)

**COUNT 1**

**(Production Of Child Pornography)**

**The Grand Jury Further Charges That:**

Between on or about July 18, 2004, and on or about July 22, 2004, in the Western District of New York, the defendant, JOSEPH M. TYSON, did knowingly employ and use a minor less than eighteen years old to engage in sexually explicit conduct, specifically, the lascivious exhibition of the genitals and the pubic area of said minor, for the purpose of producing visual depictions of such conduct, specifically digital images, with such visual

depictions having been produced using materials that had been shipped and transported in interstate and foreign commerce.

**All in violation of Title 18, United States Code, Section 2251(a).**

**COUNT 2**

**(Possession Of Child Pornography)**

**The Grand Jury Further Charges That:**

On or about September 29, 2005, in the Western District of New York, the defendant, JOSEPH M. TYSON, did knowingly possess materials that contained images of child pornography, as defined by Title 18, United States Code, Sections 2256(8)(A) and (B), that had been transported by computer in interstate and foreign commerce and that were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce, including by computer.

**All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).**

**COUNT 3**

**(Use of Interstate Facility to Entice Minor)**

**The Grand Jury Charges That:**

Beginning on or about September 16, 2005, and continuing until on or about September 27, 2005, in the Western District of New York and elsewhere, the defendant, JOSEPH M. TYSON, did, by causing electronic communications to be sent via the internet from the Western District of New York to an individual he believed was a 14 year old male in the State of New Hampshire, use a facility and means in interstate commerce to knowingly attempt to persuade, induce and entice an individual, he believed to be less than 18 years of age, to engage in sexual activity for which he could be charged with a criminal offense under the laws of the State of New Hampshire, namely, a violation of the New Hampshire Revised Statutes, Criminal Code, Section 632-A:3 (Felonious Sexual Assault).

**All in violation of Title 18, United States Code, Section 2422(b).**

**COUNT 4**

**(Travel With Intent To Engage In Illicit Sexual Conduct)**

**The Grand Jury Further Charges That:**

On or about September 29, 2005, in the Western District of New York and elsewhere, the defendant, JOSEPH M. TYSON, knowingly traveled in interstate commerce from the Western District of New York to the State of New Hampshire for the purpose of engaging in illicit sexual conduct with an individual he believed to be 14 years of age.

**All in violation of Title 18, United States Code, Section 2423(b).**

DATED: Rochester, New York, July 13, 2006.

TERRANCE P. FLYNN  
United States Attorney  
Western District of New York

By: s/ RICHARD A. RESNICK  
Assistant U.S. Attorney  
United States Attorney's Office  
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A TRUE BILL:

s/ Foreperson